

To: Jill M. Pietrini(trademarksCC@sheppardmullin.com)
Subject: U.S. Trademark Application Serial No. 97499782 - NARCOS - 58LG-262437
Sent: May 02, 2023 08:46:25 AM EDT
Sent As: tmng.notices@uspto.gov

Attachments

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97499782

Mark: NARCOS

Correspondence Address:

JILL M. PIETRINI
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 AVENUE OF THE STARS, SUITE 1600
LOS ANGELES CA 90067 UNITED STATES

Applicant: Narcos Productions LLC

Reference/Docket No. 58LG-262437

Correspondence Email Address: trademarksCC@sheppardmullin.com

NONFINAL OFFICE ACTION

Response deadline. File a response to this nonfinal Office action within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the “How to respond” section below.

Request an extension. For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant's response to this letter within six months of the “Issue date” to avoid abandonment of the application.

Issue date: May 2, 2023

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SUMMARY OF ISSUES:

- Incorrect Classification of Services
- Recitation of Services
- Multiple-Class Application

SEARCH OF USPTO DATABASE OF MARKS

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

Incorrect Classification of Services

Applicant has classified “*providing an online community forum for users to share and stream information, audio, video, real-time news, entertainment content, or information, to form virtual communities, and to engage in social networking*” in International Class 41; however, the proper classification is International Class 38. Therefore, applicant may respond by (1) adding International Class 38 to the application and reclassifying these goods and/or services in the proper international class, (2) deleting “*providing an online community forum for users to share and stream information, audio, video, real-time news, entertainment content, or information, to form virtual communities, and to engage in social networking*” from the application, or (3) deleting the remainder of the items in the identification and reclassifying the specified goods and/or services in the proper international class. *See* 37 C.F.R. §§2.86(a), 6.1; TMEP §§1403.02 *et seq.* If applicant adds one or more international classes to the application, applicant must comply with the multiple-class requirements specified in this Office action.

Recitation of Services - Class 41

Some of the wording in the identification of services is indefinite and must be clarified because the underline nature of the services is unclear. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must amend this wording to specify the common commercial or generic name of the services. *See* TMEP §1402.01. If the services have no common commercial or generic name, applicant must describe or explain the nature of the services using clear and succinct language. *See id.*

Applicant may substitute the following wording, if accurate:

Class 38

Providing an online community forum for users to share and stream information, audio, video, real-time news, entertainment content, or information, to form virtual communities, and to engage in social networking.

Class 41

Entertainment in the nature of art competitions; Entertainment services in the nature of organizing, arranging, and hosting virtual performances and social entertainment events; Entertainment services, namely, **providing** online video games; Entertainment services, namely, providing an online environment featuring streaming of entertainment content and live streaming of entertainment events; Entertainment services, namely, providing online non-downloadable game software and online video games; Entertainment services, namely, providing online, non-downloadable virtual goods, namely, music, art images, video clips, television programs, motion pictures, clothing, eyewear, all-purpose carrying bags, backpacks, jewelry, watches, phone accessories, licensed **art** merchandise **being (indicate type of merchandise, e.g., art, virtual sports trading cards, etc.)**, footwear, belts, trading cards, home furnishings, health and beauty aids, home electronics, consumer packaged goods, food and

beverages, toys and games, furniture, pets, and household items *being art indicate type of household items, e.g., art, furniture, etc.*, *authenticated by non-fungible tokens (NFTs)* for use in virtual environments created for entertainment purposes; Entertainment services, namely, providing online, non-downloadable virtual goods, namely, music, art images, video clips, television programs, motion pictures, clothing, eyewear, all-purpose carrying bags, backpacks, jewelry, watches, phone accessories, licensed *art merchandise being (indicate type of merchandise, e.g., art, virtual sports trading cards, etc.)*, footwear, belts, trading cards, home furnishings, home electronics, consumer packaged goods, food and beverages, toys and games, furniture, pets, and household items *being art indicate type of household items, e.g., art, furniture, etc.*, authenticated by non-fungible tokens (NFTs); Entertainment services, namely, providing virtual environments in which users can interact for recreational, leisure, or entertainment purposes; Providing online computer games; Providing online slot machines; Providing temporary use of non-downloadable digital media *being* digital assets, digital collectibles, digital tokens, and non-fungible tokens, *namely, providing a website featuring non-downloadable photographs*; Virtual reality and interactive game services provided online from a global computer network and through various wireless networks and electronic devices.

Applicant may amend the identification to clarify or limit the services, but not to broaden or expand the services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted services may not later be reinserted. *See* TMEP §1402.07(e).

ID Manual Online

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [*U.S. Acceptable Identification of Goods and Services Manual*](#). *See* TMEP §1402.04.

Multiple-Class Application

The application identifies services in more than one international class; therefore, applicant must satisfy all the requirements below for each international class based on Trademark Act Section 1(b):

- (1) **List the services by their international class number** in consecutive numerical order, starting with the lowest numbered class.
- (2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the [USPTO's current fee schedule](#)). The application identifies goods and/or services that are classified in at least two (2) classes; however, applicant submitted a fee(s) sufficient for only one (1) class(es). Applicant must either submit the filing fees for the classes not covered by the submitted fees or restrict the application to the number of classes covered by the fees already paid.

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 1(b) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the [Multiple-class Application webpage](#).

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Assistance

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. File a [response form to this nonfinal Office action](#) or file a [request form for an extension of time to file a response](#).

/Alice Benmaman/
Alice Benmaman
Examining Attorney
LO116--LAW OFFICE 116
(571) 272-9126
Alice.Benmaman@USPTO.GOV

RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response or extension request must be received by the USPTO before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) [system availability](#) could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email TEAS@uspto.gov.
- **[Responses signed by an unauthorized party](#) are not accepted and can cause the application to [abandon](#).** If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on May 2, 2023 for
U.S. Trademark Application Serial No. 97499782

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, [TSDR](#), to confirm that it appears under the “Documents” tab, or contact the [Trademark Assistance Center](#).
- **[Hiring a U.S.-licensed attorney](#)**. If you do not have an attorney and are not required to

have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.